

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI

On this the 8th day of June' 2022
Inward No.3352/2022-23/Tirupati Circle

Present

Sri. Dr. A. Jagadeesh Chandra Rao
Sri. Y. Sanjay Kumar
Sri. K. Ramamohan Rao
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Technical)
Member (Finance)
Independent Member

Mr.T.Balaram,
S/o.T.Venkatesh,
D.No.19-08-35,
Dasari Matam,
R.C.Road,
Tirupati
Chittoor Dt.

Complainant

ORDER

1. The case of the complainant is that the house bearing D.No.19-8-35, RC Road, Dasarimatam, Tirupati belongs to late Smt.T.Savitramma, his maternal grandmother and the department released service number.5522104033747 in the name of late. T. Savitramma. Respondents released another service in the name of another person for the same premises and requested to remove the service released in the name of another for the same premises.
2. The relief claimed by the Complainant is to remove the service released in the name of another person. Hence, Complaint is posted for hearing on its maintainability and called a report from EE/O/Tirupati.
3. The EE/O/Tirupati, DEE/Operation-III/Tirupati & AE/Operation SS/Tirupati submitted joint written submission stating that the service number SC

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No.5522104033747 is in the name of T. Savithamma, and the service is not transferred in the name of Mr. T. Balaram, so he is not a consumer.

As per the GTCS, the service SC No.5522104033747 is not having any domestic activity and the said premises was inspected by them along with concerned field staff and found that meter was idle and hanging on the department pole. There is no house connected to this meter and the meter was idle without usage. Hence the meter was removed from the location and kept in office to safeguard the departmental property. Since the complainant is neither the direct consumer nor the representative, the complaint may be closed.

3. Personal hearing was conducted through Jio meet on 18.5.2022. Complainant present and Dy. EE/Operation-III/Tirupati present. Heard both sides.
4. The points for determination are :-
 - 1) Whether the complainant is entitled to file a complaint for the service number. 5522104033747 which is in the name of late T.Savithamma ?
 - 2) Whether the complaint by the complainant for removal of service connection released in the name of another person is maintainable before this forum?

Point No. 1.

According to the complainant, the service number 5522104033747 is in the name of his maternal grandmother Late T.Savithamma for the house bearing Door No.19-8-35. T.Savithamma and her husband T.Balaram are having only one daughter T.Vallamma. The said T.Vallamma was given in marriage to T.Venkataiah D/o.Savithamma. T.Vallamma and T.Venkataiah have got 4 male children namely T.Subramanyam,T.Balaram,T.Gopi & T.Mohan .They all residing in the house bearing Door No.19-8-35 since 1976. T.Savithamma died on 18.5.1991 T.Vallamma divided from husband due to disputes and resided separately. But T.Venkataiah & Ors are living in the house of T.Savithamma. The House patta was transferred in his name after the death of T.Savithamma. Permission was also granted for construction of

house under Valmiki Ambedkar Awas Yojana scheme in the year 2003-2004. Canara bank sanctioned loan of ₹.16,000 against house patta in the year 2003-2004. Permission was granted by District Collector for construction of house under NTR Town House construction scheme in the year 2016-17 and he is the rightful owner for SC.No. 5522104033747. Mr. T. Srinivasa Naidu AE/SS/Operation/Tirupati has falsely stated that new service connection was given on the ground that there was no existing meter, but he accepted in the conversation made through phone on 06.04.2022 and 7.4.2022 that he got removed the meter through Lineman and he has got phone call record to prove this fact. Hence requested to remove the new service connection and restore the meter for the service number.5522104033747 in the name of Late T.Savithamma

On the other hand the contention of the Respondents is that the meter was idle without usage and hanging on the department pole and that meter was removed and kept in the office for safe custody.

The contents of the complaint show that the registered consumer T. Savithamma for the service number 5522104033747 died on 18.5.1991. But no application was filed to get the service transferred in the name of the complainant. Complainant though filed Photostat copies of the account statement of the service number, House patta transferred in his name and copy of pass book, voter card but not choose to file any documentary evidence that the house bearing No 19-8-35 is in existence and the contention of the respondents that the meter was hanging to the Electricity poles is false. So also complainant has not filed death certificate of Late T.Savithamma and family member certificate to show that he is legal representative of Late.T.Savithamma and he is entitled to present the present complaint on behalf of all the legal representatives of Late. Smt.Savithamma.

This forum is constituted under Regulation 3 of 2016 issued by Hon'ble APERC. Complainant is defined under Clause 2.4 of Regulation 3 of 2016 which is as follows:

Complainant means and includes the following who have a grievance as defined in the Regulation:

- a) A consumer as defined under Clause (15) of Section 2 of the Act;*
- b) An applicant for a new electricity connection;*
- c) Any registered consumer association;*
- d) Any unregistered association or group of consumers, where the consumers have common or similar interests; and*
- e) An occupier of a premise to which electricity is or has been supplied by a Licensee;*
- f) In the case of death of a consumer, his/her legal heir(s) or representative(s).*

Consumer is defined under Section 2 (15) of Electricity Act which is as follows:-

"Consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;

Complainant in this case, is not a consumer as defined under Section 2(15) of the Act, for the service number. 5522104033747. So also complainant in this case does not fall under the definition of complainant as defined in Clause. 2.4 of Regulation 3 of 2016. So complainant is not entitled to file complaint before this forum for the service number which is in the name of Late.Smt.Savitramma. The Point No.1 answered accordingly.

Point 2:-

Complainant is requesting this forum to remove the service released in the name of another person. Complainant did not state the name of the person in whose favor the service was released. Complainant also did not mention the number of service connection. Service released in the name of another person could not be ordered to be removed without hearing

the affected party. Natural justice requires that the affected party is to be heard before passing any orders against him. This forum is constituted only for resolving the disputes between the consumers of the Electricity and the licensee. This forum is not competent to issue notice to third parties and no executable order can be passed by this forum for removal of service connection without hearing the affected party. This forum is not competent to hear the disputes between the complainant and third party in respect of the house property.

In view of the above reasons complaint for removal of service connection in the name of another is not maintainable. The point No.2 answered accordingly.

5. In the result the complaint is rejected.

Sd/- Sd/- Sd/- Sd/-
Member (Technical) Member (Finance) Independent Member Chairperson

Forwarded By Order

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Secretary to the Forum

This order is passed on this, the day of 8th June'2022

If aggrieved by this order, the Complainant may represent to the Vidyut Ombudsman, Andhra Pradesh, 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008, within 30 days from the date of receipt of this order.

To

The Complainant

The Respondents

Copy to the Nodal Officer (Chief General Manager (O&M)/ Operation)/ CGRF/ APSPDCL/ Tiruati.

Copy Submitted to the Vidyut Ombudsman, Andhra Pradesh , 3rd Floor, Sri Manjunatha Technical Services, Plot No:38, Adjacent to Kesineni Admin Office, Sri Ramachandra Nagar, Mahanadu Road, Vijayawada-520008.

Copy Submitted to the Secretary, APERC,11-4-660, 4th Floor, Singareni Bhavan, Red Hills, Lakdikapool, Hyderabad- 500 004.